

REMARKS

35 U.S.C. § 103

The Office Action relies on six different references to form seven distinct §103 rejections in rejecting claims 18-31 and 33-36, including independent claims 18, 22, 26, and 30. The Office Action objects to claim 32 as being dependent upon a rejected base claim, but notes that claim 32 would be allowable if rewritten in dependent form. Claim 32 depends from independent claim 30.

Assignee gratefully acknowledges allowance of claims 1-11, 13-15, and 17. The Assignee cancels rejected claims 18-29, cancels claim 32, and amends claim 30 to include the features of claim 32 which the office action noted was allowable. Assignee therefore respectfully requests withdrawal of the rejection of claim 30 and allowance of the application.

ADDITIONAL COMMENTS

With respect to independent claims 18, 22, 26, and 30, the office action asserts that the Morimura reference (JP 2001-238141) discloses automatically turning ON a selected program receiver for receiving the designated program when the program receiver locates the designated program chosen by the user. The Assignee respectfully submits that, for the reasons outlined below, Morimura does not disclose automatically turning ON a selected program receiver when a program monitoring receiver locates the designated program. Assignee will pursue the rejected claims in a continuing case and cancels claims 18-29 in this amendment. The Assignee also cancels claim 32 and amends claim 30 to include the features of claim 32. Because neither Morimura alone, nor a combination of Morimura and the other cited references, discloses the claimed features, the amendments in this response are not for reasons of patentability. Rather, the amendments are made to expedite allowance of this application.

The claimed "automatic turn ON" feature in claim 30 allows a receiver with multiple tuners or receivers to search for an operator designated program even while the receiver is not providing output to the listener and to automatically turn ON to deliver output to the listener when the operator designated program is located. Where the receiver is used in the context of a radio, for example, the radio may be "off" for any number of reasons, such as where a listener turns off the radio when the listener does not find any currently available program of interest. However, using the "automatic turn ON" feature, the receiver may continue to search for an operator designated program and then automatically turn ON and begin outputting the operator designated program when such a program is located. In this example, a second program receiver may search for the operator designated program while a first program receiver is turned off. When the second program receiver locates the operator designated program, the first program receiver automatically turns ON.

In Morimura, the user sets the power ON time (Morimura, paragraphs [0008], [0041]-[0043]), such as by using a remote control (Morimura, paragraph [0016]). If the power ON time of day falls in the middle of a television program, the user is prompted to change the power ON time of day (Morimura, paragraphs [0041]-[0043], [0070]). As a result, Morimura does not disclose or suggest automatically turning ON when a designated program is located. Instead, Morimura turns ON when specifically directed to turn ON, without any reference to, let alone searching for, a specific program. None of the cited references provides such a feature. Therefore, none of the asserted combinations teach all the features of rejected claims 18-31 or 33-36.

Summary

The Assignee gratefully acknowledges allowance of claims 1-11, 13-15, and 17. The Assignee cancels rejected claims 18-29. The Assignee cancels claim 32 and amends claim 30 to include the features of claim 32. The Assignee therefore respectfully requests withdrawal of the rejection of claim 30 and allowance of the application. The Assignee invites the Examiner to contact the undersigned attorney via telephone if the examiner has any questions, comments, or concerns, or if a telephone conference would expedite examination of this application.

Respectfully submitted,

/Rickard K. DeMille/

Rickard K. DeMille

Registration Number: 58,471

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200